

EXHIBIT D



San Francisco Superior Courts
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Dec-04-2003 11:43 am

Case Number: CGC-03-421113

Filing Date: Nov-24-2003 11:41

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ORDER TO CONSOLIDATE ACTIONS

DAVID F JOHNSON VS. BRIAN VOWELL

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San Francisco County Superior Court

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CALIFORNIA SUPERIOR COURT, UNLIMITED JURISDICTION
COUNTY OF SAN FRANCISCO
DEPARTMENT 301

DAVID F. JOHNSON,
Plaintiff,

vs.

BRIAN VOWELL *et al.*,
Defendants.

423566

**ORDER DENYING MOTION TO
DISMISS**

Defendant's Motion to Dismiss came on regularly for hearing before the Honorable James L. Warren on November 21, 2003, in Department 301.

This action was filed after the Court entered an order in Case Number 421113 dated August 15, 2003 that inadvertently dismissed that case with prejudice. On November 21, 2003, the Court also heard a motion to modify that August 15, 2003, order filed by the Plaintiff. That motion was granted and the order was modified to delete any indication that Defendant's motion to quash should result in the litigation being dismissed with prejudice. Accordingly, case number 421113 is not and should not have been dismissed and thus there was never a need to file case number 423566.

1 Defendant's Motion to Dismiss is DENIED. However, on the Court's own motion,
2 the Court orders that case number 421113 is hereby consolidated with case number 423566
3 for all purposes. All future filings shall be made only in case number 421113.

4 IT IS SO ORDERED.

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7 Dated: 11/24/03

By: 

Honorable James L. Warren
Judge of the Superior Court

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9 # 423566
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